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9 UNITED STATES BANKRUPTCY COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 [MODESTO DIVISION]

12
13 In re: Case No. 19-90003-E-7

14 **NATHAN BENJAMIN DAMIGO,**
15 Debtor.

16 Chapter Number: 7

17
18 **ELIZABETH SINES, SETH WISPELWEY,**
SORONYA HUDSON, APRIL MUÑIZ,
MARCUS MARTIN, NATALIE ROMERO,
DEVIN WILLIS, CHELSEA ALVARADO,
19 **AND THOMAS BAKER,**

20 Plaintiffs,

21 v.

22 **NATHAN BENJAMIN DAMIGO,**
23 Defendant.

24 Adv. Pro. No. 19-09006-E

25 DC No. RLE-1

DECLARATION OF ROBERT L. EISENBACK
III IN SUPPORT OF JOINT STIPULATION OF
UNDISPUTED FACTS

Date: June 26, 2025

Time: 10:30 a.m.

Dept.: E

Judge: Hon. Ronald H. Sargis

1 I, Robert L. Eisenbach III, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and am Of Counsel at
3 the law firm of Cooley LLP, counsel of record for Elizabeth Sines, Seth Wispelwey, Soronya
4 Hudson (as successor to Marissa Blair), April Muñiz, Marcus Martin, Natalie Romero, Devin
5 Willis, Chelsea Alvarado, and Thomas Baker (collectively, “*Plaintiffs*”). I submit this declaration
6 to provide the Court with supporting evidence for the parties’ Joint Stipulation of Undisputed Facts.

7 2. I am over 18 years of age. If called as a witness, I could and would testify
8 competently to the facts stated herein, which are true and correct to my personal knowledge unless
9 otherwise stated below.

10 3. On October 12, 2017, certain of the Plaintiffs filed an action in the United States
11 District Court for the Western District of Virginia (the “*Virginia District Court*”), *Sines v. Kessler*,
12 No. 3:17-cv-00072 (the “*Charlottesville Action*”), against Nathan Benjamin Damigo (“*Defendant*”
13 or “*Damigo*”) and Jason Kessler, Richard Spencer, Christopher Cantwell, James Alex Fields, Jr.,
14 Vanguard America, Andrew Anglin, Moonbase Holdings, LLC, Robert Azzmador Ray, Elliott
15 Kline (a/k/a Eli Mosely), Matthew Heimbach, Matthew Parrott (a/k/a David Matthew Parrott),
16 Traditionalist Worker Party, Michael Hill, Michael Tubbs, League of the South, Jeff Schoep,
17 National Socialist Movement, Nationalist Front, Augustus Sol Invictus, Fraternal Order of the Alt-
18 Knights, Loyal White Knights of the Ku Klux Klan, and East Coast Knights of the Ku Klux Klan
19 (a/k/a East Coast Knights of the True Invisible Empire) in connection with their actions leading up
20 to and during Unite the Right. Attached hereto as **Joint Exhibit 1**¹ is a true and correct copy of
21 Plaintiffs’ Complaint, filed as Dkt. No. 1 in the Charlottesville Action on October 12, 2017.

22 4. On January 5, 2018, the First Amended Complaint was filed in the Charlottesville
23 Action. Attached hereto as **Joint Exhibit 2** is a true and correct copy of Plaintiffs’ First Amended
24 Complaint, filed as Dkt. No. 175 in the Charlottesville Action on January 5, 2018.

25 5. Tyler Magill’s claims were voluntarily dismissed on April 16, 2019. Attached
26 hereto as **Joint Exhibit 3** is a true and correct copy of the Order dismissing Magill’s claims, entered

27
28 ¹ “**Joint Exhibits**” are filed concurrently herewith as exhibits to the Declaration of Robert L.
Eisenbach III in Support of the Joint Stipulation of Undisputed Facts. Joint Exhibit Volume 1
consists of Joint Exhibits 1-4 and Joint Exhibit Volume 2 consists of Joint Exhibits 5-17.

1 as Dkt. No. 468 in the Charlottesville Action on April 16, 2019.

2 6. Hannah Pearce's claims were voluntarily dismissed on January 22, 2020. Attached
3 hereto as **Joint Exhibit 4** is a true and correct copy of the Order dismissing Pearce's claims, entered
4 as Dkt. No. 639 in the Charlottesville Action on January 22, 2020.

5 7. On September 17, 2019, the Second Amended Complaint was filed in the
6 Charlottesville Action. Attached hereto as **Joint Exhibit 5** is a true and correct copy of Plaintiffs'
7 Second Amended Complaint, filed as Dkt. No. 557 in the Charlottesville Action on September 17,
8 2019.

9 8. During discovery, the plaintiffs in the Charlottesville Action, Damigo, and his co-
10 defendants entered into a stipulation (the "**ESI Stipulation & Order**") where the parties engaged a
11 third-party electronic discovery vendor to enable the collection and production of electronically
12 stored information. Attached hereto as **Joint Exhibit 6** is a true and correct copy of the ESI
13 Stipulation & Order, filed as Dkt. No. 383 in the Charlottesville Action on November 19, 2018.

14 9. ESI Expenses were incurred beginning on March 1, 2019 with the first invoice due
15 March 31, 2019. Attached hereto as **Joint Exhibit 7** is a true and correct copy of excerpts from
16 Exhibit V to the Declaration of Yotam Barkai in Support of Plaintiffs' Motion for Attorney Fees,
17 filed as Dkt. No. 1552-23 in the Charlottesville Action on March 9, 2022.

18 10. From October 25, 2021 through November 23, 2021, a jury trial was held in the
19 Charlottesville Action, during which more than 900 exhibits were admitted and evidence was
20 presented for 35 witnesses.

21 11. Damigo testified at the trial in the Charlottesville Action on November 10, 2021.

22 12. Following closing arguments by the parties, the jury was provided with the Final
23 Jury Instructions and Verdict Form. Attached hereto as **Joint Exhibit 8** is a true and correct copy
24 of the Final Jury Instructions and Verdict Form, filed as Dkt. No. 1461 in the Charlottesville Action
25 on November 19, 2021.

26 13. On November 23, 2021, the jury entered a verdict in the Charlottesville Action.
27 Attached hereto as **Joint Exhibit 9** is a true and correct copy of the Jury Verdict, filed as Dkt. No.
28 1478 in the Charlottesville Action on November 23, 2021.

1 14. On January 7, 2022, Damigo, Kessler, and Identity Evropa filed post-trial motions.
2 Attached hereto as **Joint Exhibit 10** is a true and correct copy of Damigo, Kessler and Identity
3 Evropa's Post-Trial Motions, filed as Dkt. No. 1522 in the Charlottesville Action on January 7,
4 2022.

5 15. On May 5, 2022, Damigo, Kessler, and Identity Evropa filed a reply in support of
6 their post-trial motions. Attached hereto as **Joint Exhibit 11** is a true and correct copy of
7 Defendants Kessler, Damigo, and Identity Evropa's Reply Brief, filed as Dkt. No. 1593 in the
8 Charlottesville Action on May 5, 2022.

9 16. On December 30, 2022, the District Court issued a Memorandum Opinion affirming
10 the jury's verdict as to certain of the defendants in the Charlottesville Action, affirming the jury's
11 compensatory damages award, and reducing the jury's punitive damages award to \$350,000 under
12 Virginia punitive damages cap. Attached hereto as **Joint Exhibit 12** is a true and correct copy of
13 the District Court's Memorandum Opinion, filed as Dkt. No 1622 in the Charlottesville Action on
14 December 30, 2022.

15 17. On March 7, 2023, the Magistrate Judge in the Charlottesville Action issued a
16 Report and Recommendation on Plaintiffs' post-trial Motion for Attorney's Fees and Costs.
17 Attached hereto as **Joint Exhibit 13** is a true and correct copy of the Magistrate Judge's order, filed
18 as Dkt. No 1655 in the Charlottesville Action on March 7, 2023.

19 18. On March 7, 2023, the Magistrate Judge in the Charlottesville Action issued a
20 consolidated order on Plaintiffs' post-trial Motion for Attorney's Fees and Costs and Bill of Costs.
21 Attached hereto as **Joint Exhibit 14** is a true and correct copy of the Magistrate Judge's order, filed
22 as Dkt. No 1656 in the Charlottesville Action on March 7, 2023.

23 19. Certain of the defendants in the Charlottesville Action, including Damigo, appealed
24 to United States Court of Appeals for the Fourth Circuit (the "**Fourth Circuit**"), challenging the
25 District Court's decision to impose the jury's compensatory damages award jointly and severally.
26 The Plaintiffs cross-appealed asking the Fourth Circuit to reverse the District Court's order
27 reducing the jury's punitive damages to \$350,000 under the Virginia punitive damages cap
28 (together, with Defendants appeals, the "**Fourth Circuit Appeal**"). Attached hereto as **Joint**

Exhibit 15 is a true and correct copy of the Published Opinion of the Fourth Circuit, affirming in part and vacating in part the District Court's judgment in the Charlottesville Action, filed as Dkt. No. 141 in No. 23-1119 on July 1, 2024.

20. Attached hereto as **Joint Exhibit 16** is a true and correct copy of the mandate issued by the Fourth Circuit, filed as Dkt. No. 143 in the Fourth Circuit Appeal on July 23, 2024.

21. In accordance with the Fourth Circuit’s decision, on October 8, 2024, the District Court entered an amended judgment (the “*Amended Judgment*”). Attached hereto as **Joint Exhibit 17** is a true and correct copy of the Virginia District Court’s Amended Judgment, filed as Dkt. No. 1691 in the Charlottesville Action on October 8, 2024.

22. As of the Virginia District Court's entry of the Amended Judgment on October 8, 2024, there are no further issues on appeal related to Damigo and all judgments are rendered as final in the Charlottesville Action as to Damigo.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 8, 2025.

By: /s/ Robert L. Eisenbach III
Robert L. Eisenbach III